

H. UNSUITABLE EMPLOYMENT AND QUITTING A JOB – Non-ABAWDs and ABAWDs**WAC 388-444-0060 FS E&T--Unsuitable employment.**

- (1) Nonexempt clients participating in FS E&T must accept a bona fide offer of suitable employment. Employment is considered unsuitable when:
- (2) The wage offered is less than the federal or state minimum wage, whichever is highest;
- (3) The job offered is on a piece-rate basis and the average hourly yield expected is less than the federal or state minimum wage, whichever is highest;
- (4) The employee, as a condition of employment, is required to join, resign from or is barred from joining any legitimate labor union;
- (5) The work offered is at a site subject to strike or lockout at the time of offer unless:
 - (a) The strike is enjoined under the Taft-Hartley Act; or
 - (b) An injunction is issued under section 10 of the Railway Labor Act.
- (6) The degree of risk to health and safety is unreasonable;
- (7) The client is physically or mentally unable to perform the job as documented by medical evidence or reliable information from other sources;
- (8) The employment offered within the first thirty days of registration for FS E&T is not in the client's major field of experience;
- (9) The distance from the client's home to the job is unreasonable considering the wage, time and cost of commute:
 - (a) The job is not suitable when daily commuting time exceeds two hours per day, not including transporting a child to and from child care; and
 - (b) The job is not suitable when the distance to the job prohibits walking and public or private transportation is not available.

- (10) The working hours or nature of the job interferes with the client's religious observances, conviction, or beliefs

WAC 388-444-0065 What happens if I quit my job ?

- (1) You are not eligible for food assistance if you quit your current job without good cause as defined in WAC 388-444-0070, and you are in one of the following categories:
- (a) You were working twenty hours or more per week or the job provided weekly earnings equal to the federal minimum wage multiplied by twenty hours;
 - (b) The quit was within sixty days before you applied for food assistance or any time after;
 - (c) At the time of quit, you were an applicant and would have been required to register for work as defined in WAC 388-444-0010;
 - (d) If you worked or you were self-employed and working thirty hours a week or you had weekly earnings at least equal to the federal minimum wage multiplied by thirty hours.
- (2) You are not eligible to receive food assistance if You have participated in a strike against a federal, state or local government and have lost your employment because of such participation.

WAC 388-444-0070 Good cause for quitting a job.

Unless otherwise specified the following rules apply to all food assistance clients.

- (1) Good cause for quitting a job includes the following:
- (a) For all food assistance clients, the employment is unsuitable as defined under WAC 388-444-0060;

- (b) The client is discriminated against by an employer based on age, race, sex, color, religious belief, national origin, political belief, marital status, or the presence of any sensory, mental, or physical disability or other reasons in RCW 49.60.180;
 - (c) Work demands or conditions make continued employment unreasonable, such as working without being paid on schedule;
 - (d) The client accepts other employment or is enrolled at least half time in any recognized school, training program, or institution of higher education;
 - (e) The client must leave a job because another assistance unit member accepts a job or is enrolled at least half time in any recognized school, training program, or institution of higher education in another county or similar political subdivision and the assistance unit must move;
 - (f) The client who is under age sixty and retires as recognized by the employer;
 - (g) The client accepts a bona fide offer of employment of twenty or more a week or where the weekly earnings are equivalent to the federal minimum wage multiplied by twenty hours. However, because of circumstances beyond the control of the client, the job either does not materialize or results in employment of twenty hours or less a week or weekly earnings of less than the federal minimum wage multiplied by twenty hours;
 - (h) The client leaves a job in connection with patterns of employment where workers frequently move from one employer to another, such as migrant farm labor or construction work; and
 - (i) For FS E&T participants, circumstances included under WAC 388-444-0050;
- (2) A client who quits the most recent job is eligible for food assistance if the circumstances of the job involve:
- (a) Changes in job status resulting from reduced hours of employment while working for the same employer;

- (b) Termination of a self-employment enterprise; or
- (c) Resignation from a job at the demand of an employer.
- (3) The client must verify good cause for quitting. Food assistance is not denied if the client and the department are unable to obtain verification.

Effective November 17, 2000 – Emergency Adoption

WAC 388-444-0075 What are the disqualification periods for quitting a job without good cause?

- (1) If you are an applicant who quits a job without good cause sixty days before applying for food assistance, the department will deny your application. The penalty period in subsection (3) of this section begins from the date of application.
- (2) If you are already receiving food assistance and you quit your job without good cause, the department must send you a letter notifying you that you are going to be disqualified from food assistance. The disqualification in subsection (3) of this section begins the first of the month following the notice of adverse action.
- (3) You are disqualified for the following minimum periods of time and until the conditions in subsection(4) of this section are met:
 - (a) For the first quit, one month;
 - (b) For the second quit, three months; and
 - (c) For the third or subsequent quit, six months.
- (4) You may re-establish eligibility after the disqualification, if otherwise eligible by:
 - (a) Getting a new job;
 - (b) In nonexempt areas, participating in the FS E&T program;
 - (c) Participating in Workfare as provided in WAC 388-444-0040.

- (d) In an exempt area, serving the penalty period.
- (6) The department can end the disqualification period if you become exempt from the work registration requirements as provided in WAC 388-444-0015 unless you are applying for or receiving unemployment compensation (UC), or participating in an employment and training program under TANF.
- (7) If you are disqualified and move from the assistance unit and join another assistance unit, you continue to be treated as an ineligible member of the new assistance unit for the remainder of the disqualification period.
- (8) If you are disqualified and move to a FS E&T exempt area, you must serve the remainder of the disqualification period.

CLARIFYING INFORMATION

The rules for quitting a job apply to both food assistance applicants and recipients.

General Requirements:

1. The following requirements apply to all food stamp clients 16 through 59 years old:
 - a. Quits a job within 60 days of application.
 - b. Quits a job after an application for benefits was submitted but before food assistance is certified.
 - c. Quits a job during certification.
 - d. At the time of quit would have been required to register for work.
2. The following situations are not considered a voluntary job quit:
 - a. Terminating a self-employment enterprise; and
 - b. Resigning at the request of the employer.

Note: Do not delay benefits to an otherwise eligible person beyond the normal processing time while the outcome of determining good cause is pending.

WORKER RESPONSIBILITIES**Verifying and Documenting a Voluntary Job Quit**

1. Verify the client's claim of good cause if questionable.
2. The client has the primary responsibility for verifying questionable statements.
3. Provide assistance if verification is difficult to attain.
4. Whenever possible, verification should be accepted from but not limited to:
 - a. The previous employer;
 - b. An employee organization or union; or
 - c. A grievance committee or organization.
5. For an applicant without good cause, disqualify the client from the date of application following ACES procedures below.
6. For a recipient without good cause, send the notice of adverse action and apply the disqualification the first of the month following the 10-day advance notice.

ACES PROCEDURES**Voluntary Quit Without Good Cause**

If an applicant who quits a job without good cause sixty days prior to the application, and would have been required to register for work, disqualify the client using the following steps:

1. Go to the (WORK) screen and record 'RE' on the Stat field.
2. Go to the (ERN1 01) screen and record Employer information in the top section of the screen.
3. Check to see if there is a number in the 'Number Offenses' field under the Voluntary Quit section. If there is a number, add the next offense number. If there

is no number, add 1. Record the correct offense number even if the date of quit occurred longer than 30 days but within 60 days of application. Fill out the information asked for on the voluntary quit line. <TRANSMIT>

4. Go to the (STAT) screen and enter the date the penalty period will end. Count a month as 30 days. See WAC 388-444-0075 for the disqualification period related to each quit.
5. Call DONE. <TRANSMIT>
6. Confirm eligibility results and benefit amount. <TRANSMIT>

Follow the same procedures when disqualifying a recipient except disqualify the recipient the first of the month following the 10-day notice.